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The BOSTON Evening-Post.

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A BILL, INTITULED

An Act for the better regulating the Government of the Province of the Massachuset's-Bay, in New-England.

WHEREAS by Letters Patent under the Great Seal of *England*, made in the Third Year of the Reign of Their late Majesties King *William* and Queen *Mary*, for uniting, erecting, and incorporating, the several Colonies, Territories, and Tracts of Land thereing mentioned, into One real Province, by the Name of Their Majesties Province of the *Massachuset's-Bay*, in *New-England*; whereby it was, amongst other Things, ordained and established, That the Governor of the said Province should, from thenceforth, be appointed and commissioned by Their Majesties, Their Heirs and Successors: It was however granted and ordained, That, from the Expiration of the Term, for and during which the Eight and twenty Persons named in the said Letters Patent were appointed to be the First Counsellors, or Assistants, to the Governor for the said Province, for the Time being, the aforesaid Number of eight and twenty Counsellors or Assistants should yearly, Once in every Year, forever thereafter, be, by the General Court or Assembly, newly chosen.

And whereas the said Method of electing such Counsellors or Assistants to be vested with the several Powers, Authorities, and Privileges therein mentioned, altho' conformable to the Practice theretofore used in such of the Colonies thereby united, in which the Appointment of the respective Governors had been vested in the General Courts or Assemblies of the said Colonies, hath, by repeated Experience, been found to be extremely ill adapted to the Plan of Government, established in the Province of the *Massachuset's-Bay*, by the said Letters Patent herein-before mentioned, and hath been so far from contributing to the Attainment of the good Ends and Purposes thereby intended, and to the promoting of the internal Welfare, Peace, and good Government of the said Province, or to the Maintenance of the just Subordination to and Conformity with the Laws of *Great-Britain*; that the Manner of exercising the Powers, Authorities, and Privileges aforesaid, by the Persons so annually elected, hath, for some Time past, been such as had the most manifest Tendency to obstruct, and in great Measure defeat, the Execution of the Laws, to weaken the Attachment of His Majesty's well-disposed Subjects in the said Province to his Majesty's Government, and to encourage the ill-disposed among them to proceed even to Acts of direct Resistance to, and Defiance of, His Majesty's Authority: And it hath accordingly happened, that an open Resistance to the Execution of the Laws hath actually taken Place in the Town of *Boston*, and the Neighbourhood thereof, within the said Province.

And whereas it is, under these Circumstances, become absolutely Necessary, in order to the Preservation of the Peace and good Order of the said Province, the Protection of His Majesty's well-disposed Subjects therein Resident, the Continuance of the mutual Benefits arising from the Commerce and Correspondence between this Kingdom and the said Province, and the maintaining of the just Dependance of the said Province upon the Crown and Parliament of *Great Britain*, that the said Method of annually electing the Counsellors or Assistants of the said Province should no longer be suffered to continue, but that the Appointment of the said Counsellors or Assistants should henceforth be put upon the like Footing as is established in such other of His Majesty's Colonies or Plantations in *America*, the Governors whereof are appointed by his Majesty's Commission, under the Great Seal of *Great-Britain*: *Be it therefore enacted* by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *August*, One thousand seven hundred and seventy-four, so much of the Charter granted by their Majesties, King *William* and Queen *Mary*, to the Inhabitants of the said Province of the *Massachuset's-Bay*, in *New-England*; and all and every Clause, Matter, and Thing, therein contained, which relates to the Time and Manner of electing the Assistants or Counsellors for the said Province, be revoked, and is hereby revoked and made void, and of none Effect; and that the Offices of all Counsellors and Assistants, elected and appointed in pursuance thereof, shall from thenceforth cease and determine: And that, from and after the said First Day of *August*, One thousand seven hundred and seventy-four, the Council or Court of Assistants of the said Province, for the Time being, shall be composed of such of the Inhabitants or Proprietors of Lands within the same, as shall be thereunto nominated and appointed by His Majesty, His Heirs and Successors, from Time to Time, by Warrant under His or Their Signet or Sign Manual, and with the Advice of the Privy Council, agreeable to the Practice now used in respect to the Appointment of Counsellors in such of His Majesty's other Colonies in *America*, the Governors whereof are appointed by Commission under the Great Seal of *Great Britain*: Provided that the Number of the said Assistants, or Counsellors, shall not, at any One Time, exceed Thirty-six, nor be less than Twelve;

And it is hereby further enacted, That the said Assistants or Counsellors, so to be appointed as aforesaid, shall hold their Offices respectively, for and during the Pleasure of His Majesty, His Heirs or Successors; and shall have and enjoy all the Powers, Privileges, and Immunities, at present held, exercised, and enjoyed, by the Assistants or Counsellors of the said Province, constituted and elected, from Time to Time, under the said Charter, (except as herein-after excepted;) and shall also, upon their Admission into the said Council, and before they enter upon the Execution of their Offices respectively, take the Oaths, and make, repeat, and subscribe, the Declarations required, as well by the said Charter as by any Law or Laws of the said Province now in Force, to be taken by the Assistants, or Counsellors, who have been so elected and constituted as aforesaid.

And be it further enacted by the Authority aforesaid, That from and after the First Day of *July*, One thousand seven hundred and seventy-four, it shall and may be lawful for His Majesty's Governor for the Time being of the said Province, or, in his Absence, for the Lieutenant-Governor, to nominate and appoint, under the Seal of the Province, from Time to Time; and also to remove, without the Consent of the Council, all Judges of the inferior Courts of Common Pleas, Commissioners of Oyer and Terminer, the Attorney General, Provosts, Marshals, Justices of the Peace, and other Officers to the Council, or Courts of Justice belonging; and that all Judges of the inferior Courts of Common Pleas, Commissioners of Oyer and Terminer, the Attorney General, Provosts, Marshals, Justices, and other Officers so appointed by the Governor, or, in his Absence, by the Lieutenant-Governor alone, shall and may have, hold, and exercise, their said Offices, Powers, and Authorities, as fully and completely, to all Intents and Purposes, as any Judges of the inferior Courts of Common Pleas, Commissioners of Oyer and Terminer, Attorney General, Provosts, Marshals, or other Officers, have, or might have done heretofore under the said Letters Patent, in the Third Year of the Reign of Their late Majesties King *William* and Queen *Mary*; any Law, Statute, or Usage, to the Contrary notwithstanding.

Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to annul or make void the Commission granted before the said First Day of *July*, One thousand seven hundred and seventy four, to any Judges of the inferior Courts of Common Pleas, Commissioners of Oyer and Terminer, the Attorney General, Provosts, Marshals, Justices of the Peace, or other Officers; but that they may hold and exercise the same, as if this Act had never been made, until the same shall be determined by Death, Removal by the Governor, or other Avoidance, as the Case may happen.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of *July*, One thousand seven hundred and seventy four, it shall and may be lawful for His Majesty's Governor, or, in his Absence, for the Lieutenant-governor for the Time being of the said Province, from Time to Time, to nominate and appoint the Sheriffs without the Consent of the Council, and to remove such Sheriffs with such Consent, and not otherwise.

And be it further enacted by the Authority aforesaid, That upon every Vacancy of the Offices of Chief Justice, and Judges, of the superior Court of the said Province, from and after the said First Day of *July*, One thousand seven hundred and seventy-four, the Governor for the Time being, or, in his Absence, the Lieutenant-governor, without the Consent of the Council, shall have full Power and Authority to nominate and appoint the Persons to succeed to the said Offices, who shall hold their Commissions during the Pleasure of His Majesty, His Heirs and Successors; and that neither the Chief Justice and Judges appointed before the said First Day of *July*, One thousand seven hundred and seventy-four, nor those who shall hereafter be appointed purfuant to this Act, shall be removed, unless by the Order of His Majesty, His Heirs or Successors, under His or Their Sign Manual.

And whereas by an Act of the General Court of the said Province, made in the Fourth Year of the Reign of Their late Majesties King *William* and Queen *Mary*, intituled, *An Act for regulating of Townships, Choice of Town Officers, and setting forth their Power*, the Freeholders and Inhabitants of the several Townships, rateable at Twenty Pounds Estate, are authorised to assemble together in the Month of *March* in every Year, upon Notice given by the Constable, or such other as the Select Men of the Town shall appoint, for the Choice of Select Men, Constables, and other Officers, and the Freeholders and Inhabitants are also impowered to make and agree, upon such necessary Rules, Orders, and Bye-laws, for the directing, managing, and ordering the prudential Affairs, and to annex Penalties for the Non-observance of the same, not exceeding Twenty Shillings for One Offence; provided they be not repugnant to the general Laws of the said Province.

And whereas a great Abuse has been made of the Power of calling such Meetings, and the Inhabitants have, contrary to the Design of their Institution, been misled to treat upon Matters of the most general Concern, and to pass many dangerous and unwarrantable Resolves: For Remedy whereof, *be it enacted*, That from and after the said First Day of *August*, One thousand seven hundred and seventy-four, no Town Meeting shall be called by the Select Men, or at the Request of any Number of Freeholders, without the Leave of the Governor, or, in his Absence, of the Lieutenant-governor, in Writing, expressing the special Business of the said Meeting first had and obtained, except the annual Meeting in the Month of *March*, for the Choice of Select Men, Constables, and other Officers, and also, except any Meeting for the Election of a Representative or Representatives in the General Court: and that no other Matter shall be treated of at such Meetings, except the Election of their aforesaid Officers or Representatives, nor at any other Meeting, except the Business expressed in the Leave given by the Governor, or, in his Absence, by the Lieutenant-governor.

And whereas the Method at present used in the Province of *Massachuset's-Bay* in *America*, of electing Persons to serve on Grand Juries & other Juries by the Freeholders & Inhabitants of the several Towns, affords Occasion for many evil Practices, and tends to pervert the free and impartial Administration of Justice: For Remedy whereof, *be it further enacted* by the Authority aforesaid, That from and after the respective Times appointed, for the holding of the General Sessions of the Peace, in the several Counties within the said Province, next after the Month of *September*, One thousand seven hundred and seventy-four, the Jurors to serve at the Superior Courts of Judicature, Courts of Assize, General Gaol Delivery, General Sessions of the Peace, and inferior Court of Common Pleas, in the several Counties within the said Province, shall not be elected, nominated, or appointed, by the Freeholders and Inhabitants of the several Towns within the said respective Counties, nor summoned or returned by the Constables of the said Towns; but that from thenceforth the Jurors to serve at the Superior Courts of Judicature, Courts of Assize, General Gaol Delivery, General Sessions of the Peace, and Inferior Court of Common Pleas, within the said Province, shall be summoned and returned by the Sheriffs of the respective Counties within the said Province; and all Writs of *Venire Facias*, or other Process or Warrants to be issued for the Return of Jurors to serve at the said Courts should be directed to the Sheriffs of the said Counties respectively; any Law, Custom, or Usage, to the Contrary notwithstanding.

Provided always, and be it further enacted by the Authority aforesaid, That wherever the Sheriff of any County shall happen to be a Party, or interested, or related to any Party or Person interested in any Prosecution or Suit depending in any of the said Courts, that then, in such Case, the Writ of *Venire Facias*, or other Process or Warrant for the Summoning and Return of a Jury, for the Trial of such Prosecution or Suit, shall be directed to, and executed by, the Coroner of such County; and in Case such Coroner shall be also a Party, or interested in, or related to, any Party or Person interested in such Prosecution or Suit, then the *Venire Facias* or other Process or Warrant, for the Summoning and Return of a Jury for the Trial of such Prosecution or Suit shall be directed to, and executed by, a proper and indifferent Person to be appointed for that Purpose by the Court wherein such Prosecution or Suit shall be depending.

And that all Sheriffs may be the better informed of Persons qualified to serve on Juries at the Superior Courts of Judicature, Courts of Assize, General Goal Delivery, General Sessions of the Peace, and inferior Court of Common Pleas, within the said Province; *be it further enacted* by the Authority aforesaid, That the Constables of the respective Towns, within the several Counties of the said Province, shall, at the General Sessions of the Peace, to be holden for each County, next after the Month of *September* in every Year, upon the First Day of the said Sessions, return and deliver to the Justices of the Peace, in Open Court, a true List, in Writing, of the Names and Places of Abode of all Persons within the respective Towns for which they serve, or the Districts thereof, qualified to serve upon Juries, with their Titles and Additions, between the Age of One and Twenty Years, and the Age of Seventy Years; which said Justices, or any Two of them, at the said Sessions in the respective Counties, shall cause to be delivered a Duplicate of the aforesaid Lists, by the Clerk of the Peace of every County, to the Sheriffs or their Deputies, within Ten Days after such Sessions; and cause each of the said Lists to be fairly entered into a separate Book, by the Clerk of the Peace, to be by him provided, and kept for that Purpose amongst the Records of the said Court; and no Sheriff shall impannel or return any Person or Persons to serve upon any Grand Jury or Petit Jury whatsoever, in any of the said Courts that shall not be named or mentioned in such Lists respectively: And to prevent a Failure of Justice thro' the Neglect of Constables, or to make such Returns of Persons qualified to serve on Juries, as in and by this Act is directed, the Clerks of the Peace of the said several Counties are hereby required and commanded, Twenty Days at least next before the Month of *September* yearly, and every Year, to issue forth

[Text to the 2d Page for the Remainder.] pa. 53 Postscript

(1) See the Charter, pa. 1077, Vol. 2. & observe clearly to the destruction of Sea, see pa. 415. Ke

To Mr. Edward Payne, *and the seven other Protesters Against the Proceedings of the Town at their late Meeting.*

GENTLEMEN,

WHEN a small Number of our Inhabitants publish to the World that they are Dissentients from the Multitude of their Fellow-Citizens in any Matter of Importance, we are naturally led to expect some weighty or at least very plausible Reasons to justify a Mode of Proceeding so novel in this Town. Having carefully examined what you offer in justification of your Protest, I am at a loss to determine whether your *Names* or those *Reasons* will give the greatest Weight to, or prove the most formidable Part of your Performance: Be this as it may, the Freedom I shall now take will be with the latter rather than the former.

You condescend to acknowledge, "*that a Committee of Correspondence constitutionally appointed, under proper Restrictions, and that the Letters wrote by them previous to their being sent were duly considered and approbated by the Town, may at times be useful.*" You are not pleased to descend or give us any Rules to judge of your *Times* and *Seasons*; to suppose you intended the *present Time* carries too severe a Censure on your Understandings. Our Committee, which has been *constitutionally* appointed and *continued*, is, properly speaking, a Committee of Correspondence, whose Duty, as defined by their Constituents, is to give and receive Intelligence, and to request of all other Towns a free Communication of their Sentiments, with respect to publick Matters and Occurrences: This opened a large Field of Duty for the Committee, no less than a Correspondence with near 300 Towns in this Province alone, a Service which could not possibly have been performed by them under your *Restrictions*, unless Town Meetings had been called and held almost every Day in the Week; in which case the *Town*, and not the *Committee* referred to, would have been more properly denominated a Committee of Correspondence.

You are at the same time free to assert, "*that a Committee exercising such extensive Powers as done is of dangerous Tendency.*" If you mean to the Welfare of the People; it is possible you may be endowed with more Penetration and political Knowledge than the rest of your Countrymen, who have and do still consider this Appointment as the most wise and salutary Measure, that has yet been taken for the Recovery and Security of our just Rights and Liberties: However, if the Sentiments of your Countrymen alone carry no Weight with them; will not the Conduct of all the Assemblies and most of the Towns on this Continent, from New-Hampshire to Georgia, by adopting this Measure, in appointing *similar* Committees, lead you to suspect a little your own Understanding, and that there may possibly be more Wisdom in the Body of your affronted Townsmen than you have been apt to imagine.

But our Committee *have issued out to many Towns a Covenant for a Non-Consumption of British Goods, accompanied by a Letter recommending the same, and this without the Knowledge and Approbation of the Town!* I am not a little surprized at this Assertion, as all or most of you were in Town-Meeting when a Vote of the Town passed at a former Meeting was read, ordering a similar Agreement to be drawn up and presented to the Inhabitants, and directing the Committee of Correspondence to communicate the Same to the other Towns; since that several Votes have been passed, almost unanimously, highly approving of their Conduct in this particular. As to the dangerous Tendency of the Non-Consumption Agreement to any but the selfish Merchants and other Enemies of our Country, I cannot perceive it: The Wisdom of our late House of Representatives, and the late House of Burgesses in the patriotick Province of Virginia, have adopted and recommended the Measure; and I am of Opinion that a more necessary Step for the People of this Province, under present Circumstances, could not have been taken. You must be sensible, Gentlemen, that a few selfish Men of your Class, under Cover of Ships of War & Troops, would have it in their Power, as much as it is their Inclination, to import Goods enough into this Town for the Supply of this Province, if not the whole Continent, to the Prejudice of the worthy Majority, who have in times past merited greatly of their Country, by a strict Adherence to a Non-Importation Engagement. But a Non-Consumption Agreement places the honest Merchant upon a footing with the less scrupulous; it is a Scheme which includes in it a Non-Importation Agreement, a Countermanding of Orders and Stopping Remittances, in the strictest Sense—a Scheme which the Arts and Bribery of the Tools of Power cannot break or overturn, and if generally adopted must, under Providence, operate *quietly* and most *effectually* for our Relief, without militating in the least with any Plan that may be agreed upon and recommended by the Congress.—The Colony that comes into a Non-Consumption will inrich themselves by the Savings; the Subscribers will be a kind of Fund to support such Manufacturers as may come among them, and Multitudes we know are now on tip-toe for America; and if we cannot immediately furnish ourselves with a Sufficiency of Home-Manufactures, we may patch up old Garments that may last us till that time, or until Britain is convinced of the *Impolicy*, if not *Cruelty* and *Injustice* of her present Measures. And that this Scheme is like to operate thus effectually for our Relief, may be fairly inferred from the Conduct of our Placemen, Pensioners and other Enemies, who in so zealously endeavouring to dissuade or frighten us from it, cannot be supposed to mean so kindly to our Interest and Safety, as to their own. The Committee have therefore, in my Opinion, for encouraging this Scheme, tho' first projected in the inland Parts of the Country, not only merited the Thanks and grateful Acknowledgments of their Fellow-Citizens, but of all good Men through the Province.

You further object against the Committee, "*that they have aspersed the Character of many respectable Inhabitants in this Town, in Letters written by them to New-York and Philadelphia, and that you therefore look upon it as your indispensible duty to defend the characters of your Neighbours when you think them injured.*" I will indeed allow you to feel for your Friends and Connections among the Addressers unhappily and perhaps inadvertently combined with our old and greatest enemies; but have you no feelings for your much injured and distressed Country; not one word to shew your disapprobation of the part those Addressers acted, which a whole Continent resents & is ashamed of. Pray Gentlemen turn your eyes and behold the management of some of the Contrivers and Promoters of this Address.—How *honorable* was it in them to procure Subscribers by secretly insinuating that it would ward off fines and penalties, and procure personal advantages.—How *manly* to refuse the Body of Merchants, when assembled, a sight of the Address, and to have the Measure fairly debated.—How *modest* in total opposition to the often declared sense of this Metropolis, and the two Houses of Assembly, who had petitioned for G. Hutchinson's Removal, to testify their *entire Satisfaction at the wise, zealous and faithful Administration of one who had at all times displayed the most benevolent Disposition towards us and discharged his Trust with Fidelity and Honor*; and not content with this, to become as it were Petitioners to his Majesty *that he might be enabled*, by the Continuance or rather Increase of his Pension, *to pass the Remainder of his Life in Quietness and Ease*; and *that his Name*, by his being knighted, *might be preserved with Honor to Posterity*. And what *Tenderness* and *Generosity* to their Country, did they discover, by promoting a Measure the most *disuniting*, at a Time when the British Minister was aiming the last Stroke at our Freedom, and his Hopes of bringing America to his Feet were, from his own Declaration, chiefly founded upon our supposed Divisions!

Perhaps this Retrospect, Gentlemen, may lead you to conclude that the Conduct of those *Friends* and *Neighbours* is not quite so excuseable as you at first imagined, and that some Allowance ought to be made for a few tart Expressions which the honest Zeal of your Committee, to save the Honor and promote the Interest of this devoted Town, so greatly affected by the Conduct, drew from them. But if instead of this you cherish your Resentments, promote Divisions, and are for dismissing a Committee with Marks of Contempt, who have been greatly instrumental in effecting the present happy Union of this and the other Colonies, so much dreaded by our Enemies; and are for this Dismission at a time, when such Committees are absolutely necessary to keep up and improve the Union, and to be the Channel thro' which Intelligence and Advice may be convey'd with Safety and Dispatch, from one Extreme of the Continent to the other; give me leave to say, that in this case you must be considered as such kind of Men and Politicians as ought not to have the Ear of their Fellow Citizens; and whom the wise and good would with to see excluded from our publick Councils forever.

B.

LONDON.

Mr. E. BURKE's SPEECH *at the last reading of the* Boston Port Bill. *(o)*

I Trouble you, Sir, in the last stage of this Bill, because I would not appear petulent when my objections run to the whole of the Bill. I never knew any thing that has given me a more heart-felt sorrow than the present measure. This Bill is attempted to be hastened through the House in such a manner, that I can by no means assent to it; it is to be carried by force and threats into execution; and you have even refused to hear Mr. Bollan, their agent, declaring him to be no agent for Massachusetts-Bay, or properly authorised to present such petition; you have not now one left in England to be heard in behalf of the Colonies; the only obstruction that this Bill has had, has been owing to its *vis inertiæ*; but persons who oppose this Bill, are immediately put to the same kind of punishment in the publick papers which offenders in America are. Look, Sir, into the publick papers, you will see Cinna, and a thousand other Roman names, throwing out their invectives, and tarring and feathering all those who dare oppose the Bill; I suppose I shall reap my share for such opposition; but, Sir, at all events I will enter my reasons and protest against this Bill, and will mount my *little poffrey*, and speak of the injustice which the Bill contains, with the greatest confidence. The grievance that is stated in the papers before you on the table, appear to be an universal resistance from all America, against any goods or merchandize that shall be loaded with taxes; [he defied that part of general Haldiman's letter declaring the resolution of the Americans not to submit to receive goods with duty upon them, be read; which was done] he said the whole meeting in the town of Boston consisted of six or seven hundred men of the first rank and opulent fortune in the place, that the proceedings were conducted with the utmost decency! He said, this was not a meeting of mean persons, but that the acts of resistance were all countenanced by universal consent. Observe, says he, that the disturbance is the general; shew me one port in all America where the goods have been landed and vended; the distemper is general, but the punishment is local, by way of exchange. Whether it will be effectual or not, I do not know; but, Sir, let me paint to this House the impropriety of a measure like this; it is a remedy of the most uncertain operation; view but the consequence, and you will repent the measure; give orders at once to your Admirals to burn and destroy the town; that will be both *effectual, proper, & moderate*, and of a piece with the rest of your proceedings, *eventus triftis*. One town in proscription, the rest in rebellion, can never be a remedial measure for general disturbances. Have you considered, says he, whether you have troops and ships sufficient to enforce an universal proscription to the trade of the whole continent of America? If you have not, the attempt is childish, and the operation fruitless. Only, Sir, see the consequence of blocking up one port, for instance, that of Virginia Bay; which if you do, you will destroy the tobacco trade, and thereby bring, as it were, a certain ruin on your own merchants at Glasgow and Edinburgh. This bill has been thought a vigorous but not a rigorous punishment. It is my opinion that you might even punish the individuals who committed the violence, without involving the innocent; I should approve much of that; but, Sir, to take away the trade from the town of Boston, is surely a severe punishment. Would it not be a rigorous measure to take away the trade of the Thames, for instance, and direct the merchandize to be landed at Gravesend? I call this bill very unjust that is now to be adopted. Is it not fundamentally unjust to prevent the parties who have offended being heard in their defence? Justice, sir, is not to be measured by geographical lines nor distance. Every man, sir, is authorised to be a magistrate, to put a stop to disturbances which he perceives to be committed against his majesty's peace; but did you expect that the people who were not present at such disturbances, should be equally punished for not aiding and assisting in putting an end to those riots which they never saw or heard of? This, sir, says he, is surely a doctrine of devils, to require men to be present in every part of America wherever a riot happens; but this bill involves those who have never in the least been guilty; and then you again say, that the disturbances which did happen, ought to have been immediately put a stop to by the people of Boston, and that they were bound to preserve the good order of the town; but, sir, I have too much reverence for the image of God to conceive that the honourable gentleman (Mr. Welbore Ellis) does really and truly imbibe such doctrine. (He then read part of colonel Leslie's letter, No. 45, wherein the colonel said, that neither the governor nor the council, nor any of the Custom-House officers, have ever yet applied to me for any assistance; if they had, I could most certainly have put a stop to all their riot and violences, but not without some bloodshed, and firing upon their town, and killing many innocent people.) Why, sir, says he, did not the governor at once send for this assistance? Was it contrary to, or do you think he would have broken through his instructions if he had endeavoured, by such ways and means, to preserve the public peace, and prevent violences from being committed? The fault of this governor ought not to be the means of punishment for the innocent. You have found that there was no government there: why did not the governor exercise his authority? Why did not the ships execute their duty? What was the reason they did not act? Why is not Mr. Hancock, and the chief people who are known, punished, and not involve the innocent with the guilty in one universal calamity? You, surely, sir, cannot have power to take away the trade of a port, and call it privilege! Why was not your force that was present applied to quell the disturbances? How came they to be so feeble and inactive? How are you sure that the orders and frigates which you now send, will act better? I cannot think this, by any means, a prudent measure, to be blocking up one port after another; the consequence will be dreadful, and I am afraid destructive; you will draw a foreign force upon you, perhaps, at a time when you little suspect it; I will not say where that will end; I will be silent on that head, and go no further, but think of the consequence. Again, sir, in one of the clauses of the bill you proscribe the property of the people, to be governed and measured by the will of the crown. This is a ruinous and dangerous principle to adopt. There is an universal discontent throughout all America, from an internal bad government. There are but two ways to govern America, either to make it subservient to all your laws, or to let it govern itself by its own internal policy. I abhor the measure of taxation where it is only for a quarrel, and not for a revenue; a measure that is teazing and irritating without any good effect; but a revision of this question will one day or other come, wherein I hope to give my opinion. But this is the day that you wish to go to war with all America, in order to conciliate that country to this; and to say that America shall be obedient to all the laws of this country. I wish to see a new regulation and plan of a new legislation in that country, not founded on your laws and statutes here, but grounded upon the vital principles of English liberty.

Messrs. FLEETS,

I Have lately read in one of the papers the pompous expression, "*the Omnipotence of Parliament*," which appears to me somewhat too much exaggerated; as the whole puissance of that august assembly cannot stop the sun in its career, nor stay the bottles of heaven; so as to impede the most chearing, fructifying influences of the one, and frequent refreshing showers from the other, reaching these American territories. For, however it may be allowed that they can do almost any thing, and every thing that may be *doable* by human power, yet it is presumed that changing the ordinances of heaven is beyond their reach, as we have heard of no bill brought in for that purpose. We have in the country towns the most reviving prospect of almost all kinds of the products of the earth. *Latissimus annus.* If these happy prospects continue, £.60,000 sterling for supporting the guardians of Boston harbour and common, with our superfluities, may be no despiseable addition to our circulating medium; and after all, enough may be left for free and grateful donations to our much respected Metropolis, to render Boston indeed, what it seems to be constituted by the united voice of all the Colonies, *the Granary of America.*

O Boston, surrender not the Liberties of this Continent. The eyes of a great part of Europe and of all these Provinces are upon you. The hearts and hands of the latter are open to you. You cannot starve, till by another Act of Parliament all donations of provisions by sea are prohibited; nor would that avail, unless, as in the days of Shamgar, our highways should be unoccupied, by reason of an armed force posted to lie in wait by them. But as three Governments united in a fast the 14th instant, let us wait the issue. Our strength is to sit still. We have all along hitherto been a People saved of the Lord. If any, trusting to the abundance of their riches, will presume to magnify themselves against this People of the Lord of Hosts, by whose kind interpositions of Providence they have been so often delivered, they may, perhaps, find to their cost, that their Redeemer is mighty, and will plead their cause.

RUSTICUS AMERICANUS.

To the PRINTERS,

I Believe every friend to liberty must feel the *indignity* and *insult* which has been offered to our patriotic brethren of New-Hampshire, by those tools of tyranny the *East-India Company*, who have had the superlative impudence to send out their noxious *tea* to a people, who they knew had solemnly resolved that *none should be landed among them.* This infamous conduct of the *India Company*, is a full demonstration that *they* have *abandoned* liberty, justice, and honor; and that they imagined the noble sons of New-Hampshire were as *servile* and *base* as themselves—but thanks to Heaven, the people of that province have given a demonstration to the world, that they are *born in freedom, and in freedom they will live*;—they have banished from their free land the *detested* teas. May Heaven reward these Patriots with perpetual liberty—may all Americans imitate their example, and share with them in Freedom. W.

Extract of a Letter from a Gentleman in London, *May* 24, 1774.

"Sir George Savile, on the 2d of May, carried up to the House of Commons, a petition from the natives of America, residing in London, against the bill for regulating the government of the Massachuset-Bay, and for the impartial administration of justice in that province. It was received, but had no effect; for they both passed the House on the 7th. The Earl of Dartmouth on the same day presented to the upper-house a bill for making effectual provision for the province of Quebec. A bill for providing quarters for the troops serving in North-America, has been presented to, and read in the lower-house.—The Empress of Russia is preparing to besiege the strong city of Oczachow, in the Crimea: It is to be attacked by sea, whilst Prince Dolgorowki carries on his approaches to it by land. The new Turkish Sultan has made the most vigorous preparations for the ensuing campaign, and will have a more numerous army in the field than ever. The Quakers have prepared a petition to be presented to his Majesty at St. James's, against the bill depending in the House of Peers, respecting the Bostonians, which is expected will have more effect than all the things yet written, or said of America.—A confirmation is hourly expected of a report of the French King's death; and a complication of the gout, the hæmorrhoids, and a military fever, is likely very soon to carry off the King of Prussia.

"In the American affairs, every thing was done by petitions; and otherwise, that human invention could suggest, to prevent the House of Commons from passing the second and third Boston bills; but all applications were ineffectual, as you will perceive by the public papers. Many are the conjectures upon the measures which you may adopt in this sad situation of your country. May sagacity and true discretion govern your deliberations! Should you act prudently, under this heavy affliction of a sister colony, the united voice and spirit of the people, in this Kingdom, will heartily concur in a support of your application, if any should be preferred, to the Majesty of Great-Britain, for a remission of these grievances which cause the present distractions in his provinces. In the mean time comfort your distressed neighbours; aid them with your best counsel, and let not those inhabitants, who must become indigent and dispirited, by the operation of the Boston port act, want food, cloathing, or any article of relief and consolation, whilst it is to be found in any part of your capacious, prosperous, and plentiful country."

Thursday last was observed here as a Day of Fasting and Prayer, as also in most of the Towns in this Province and New-Hampshire, on account of the present gloomy Aspect of our public Affairs.

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(5) See Index under Impression, vol. 3 See Evidences, pa. 971.
(6) See Index under Address, pa. (7) See pa. 525
(8) vid. Index under Council, & Representatives of Mass.
(9) See Index under Debates in House of Commons on the Boston Bill, pa. 199
(n) See Index under Boston
(o) See Index under Tea.
(p) See Index under Troops, & Men of War.
(q) See Tax on Tea, pa. 736. Vol. 2. &c.
(r) See Index under Freedom
(s) See Index under Town Meetings
(t) See Index under Tea.
(u) See Index under Troops, & Men of War.
(v) See Tax on Tea, pa. 736. Vol. 2. &c.
(w) See Index under Town Meetings pa. 9. Vol. 2. &c.
(x) See pa. 525.
(y) See pa. 509-532.
(z) See pa. 559. & Pa.

✓ Never was a Day more strictly kept in General, than in this Town the last was. ✓ See page 523.

vid. pa. 525. the Committee of Correspondence [illegible] pa. 1887 See Index under Town (1) See

NEW-YORK, *July* 7.

On Monday evening the Committee met and nominated five Gentlemen as delegates at the grand congress on the first of next September, who are to be proposed to the citizens summoned to assemble this day at 12 o'clock, at the City-Hall for their approbation; or to make such alteration as may be agreed on.

By letters from Fort Pitt (since rebuilt called Fort Dunmore) of the 7th instant, there is advice that two days before a family on west side of the Monongehela, consisting of a man, woman and six children, were killed and scalped by a party of Indians, with many circumstances of cruelty; and that a man has been killed near Grave Creek. The day following another man was killed on the Monongehela.

By one of the lateſt Letters from London, to a Correſpondent in this City, we have Advice, among other material Articles, that there was then before the Parliament a Bill to regulate the Grants of Lands in America, that it was managed with the like Secrecy and Diſpatch as the other late Bills concerning the Colonies, and would be in the higheſt Degree intereſting to the landed Property here.

We hear from Fort-Pitt, that the Shawaneſe have lately murdered eighteen white people, within nine miles of that place, and that ſeveral parties of Indians have gone forth to war againſt the defenceleſs inhabitants of the frontiers of Virginia and Pennſylvania: that it is ſuppoſed all the Engliſh traders in the Shawaneſe towns are killed by the ſavages, and about 1500 families, ſettled to the weſtward of the Allegany mountains, have deſerted their habitations, and fled for ſanctuary to the more interior parts of the country; and that the traders at Fort Pitt are about leaving that place as ſoon as they can form a party ſtrong enough to venture forth.——An Indian war ſeems inevitable.

BOSTON, *July* 18. 1774.

It is with the greateſt pleaſure we can inform the Public, that the Hon. JOHN HANCOCK, Eſq; has ſo far recovered his Health as to be able to walk abroad, and Yeſterday attended Divine Service at the Rev. Dr. Cooper's Church.

Twenty Gentlemen of South Carolina have preſented the induſtrious Poor of this devoted Town with 205 Tierces of Rice, which arrived at Salem laſt Monday—for which their grateful Thanks are acknowledged.

Laſt Week came to Town from South Carolina, Sir Edgerton Leigh, Bart. his Majeſty's Attorney-General for that Province.

We hear a Veſſel is arrived at Plimouth, in a ſhort Paſſage from St. Ubes; the Maſter of which informs that Advice was received there of the Death of the French King and alſo of the King of Pruſſia:—And that a French Fleet had ſailed from Breſt to aſſiſt the Turks againſt the Ruſſians. Whether this be true or not Time will ſoon diſcover.

We hear that the tradeſmen and farmers of the city and county of Philadelphia, are determined to enter into an aſſociation, to purchaſe no more Britiſh goods (till the late acts of parliament are repealed) if the voice of the propoſed congreſs ſhould be in favour of a non-importation agreement.

The Hon. Eliphalet Dyer, the Hon. William S. Johnſon, Eraſmus Wolcot, Silas Deane, and Richard Law, Eſqrs. are choſen, authorized and empowered as a Committee on the part of the Colony of Connecticut, to meet the general Congreſs of the Commiſſioners of the Siſter Colonies, to conſult Meaſures for the beſt Good and Happineſs of America.

Extract of a Letter, dated Philadelphia, July 1774.

"We daily receive diſmal Accounts from the back Parts of this and the neighbouring Provinces.—The Indians ſeem determined to go to War; many white People, conſiſting of whole Families, have already been ſcalped. Thouſands are leaving their Habitations in the new Settlements.——People here are not backward in ſaying, that Lord North is at the Bottom of all this; for you muſt know the Indians were firſt provoked by ſome Murders committed among them by one Col. Creſſop, who, it is ſaid, was encouraged by a certain great Man in Power, who is one of Lord North's Correſpondents, I mean G. D——e of Virginia."

Whereas I did ſuddenly and unadviſedly ſign an Addreſs to the late Governor HUTCHINSON, with ſome others (Juſtices of the Peace) of Middleſex, being in great Haſte and not to well conſidering every Part thereof, nor the dangerous Conſequences of ſaid Addreſs, am very ſorry for it: And as it hath offended my Chriſtian Brethren and Neighbours, I do hereby deſire their Forgiveneſs and a Reſtoration to their Friendſhip.

Billerica, July 13. 1774. THOMAS KIDDER.

The Inhabitants are reminded that the *May* Meeting ſtands adjourned to Tueſday the 19th Inſtant, 9 o'Clock Forenoon, at Faneuil-Hall: It is hoped there will be a general and punctual Attendance, as the Grant of Monies, Salaries, &c. are then to be made.—The Meeting relative to the Boſton Port-Bill is adjourned to ſaid Day, 10 o'Clock, A.M. when it is expected the Committee on Ways and Means for employing the Poor will make Report.

Stray'd away from *Grafton*, ſometime laſt Spring, two Sorrel or Cheſnut colour'd Mare COLTS (ſuppoſed to be feeding on the common Land in ſome neighbouring Town) one will be 3 Years old in the Fall, the other was one laſt Spring. The oldeſt has a white Spot in her Forehead, is quite ſtockey, had a Piece broken off the Hough of one of her fore Feet, has a bright Eye, is Saddle-back'd, has not been dock'd, her Main hangs on the right Side. The other is ſlimmer, longer neck'd and darker colour'd.——Whoſoever ſhall bring the above Colts, or one of them, to *Samuel Wadſworth* of ſaid *Grafton*, or ſhall inform him of that he may get them, ſhall be handſomely rewarded by him.

Extract of a Letter from one of the Committee of Fifty-one, dated New-York, June 30, 1774.—*urging payment for the Tea.*

Query. What one of that Committee could this be? Anſwer. One who was inſerted on purpoſe to write ſuch letters.—Can it be poſſible? Yes verily!!!

Meſſrs Printers,

The Philadelphian in Draper's laſt Paper differs widely from the Philadelphian, an extract of whoſe letter was publiſhed in the Maſſachuſetts Spy a few weeks ago, giving reaſons why it ſhould not be paid for. A bare exclamation, *do juſtice*; compenſate the owners of the *private property* deſtroyed, is not ſufficient to drive men into ſuch abſurdities as paying for the materials and workmanſhip of engines, erected at a great expence, to deſtroy them. No honeſt man deſired their property in the circumſtance wherein it was involved; poiſoned with a ſlave-making tribute & monopoly, and as a dangerous and deſtructive article, avoided and proteſted againſt by the whole Continent. Whoever then dared to ſend ſuch a Dejanira-gift as preſent to America deſerved not only to loſe the dirty pittance of property, but their traiterous necks into the bargain, for abetting a plot againſt the Civil Conſtitution of ſo great a number of their fellow ſubjects. (2) LEX TALIONIS.

Extract of a Letter from London, *May* 14, 1774.

"Opinions are various concerning the Reception the Port Bill will meet with at Boſton; no one can adviſe what is beſt to be done in the Caſe. I have ſent you the News-Papers for the laſt Week, by which you may ſee what the Miniſtry are now about. It is tho't the BILLS will all paſs, but we are not certain, for Lord North begins to repent of his evil Actions, by reaſon of a Conference which he has lately had with Mr. W——, who has behaved extremely well in this Affair, and has done all that lay in his Power for the Boſtonians:—The People here in general are in favor of the Boſtonians, and ſay they have been greatly impoſed upon: You will ſee by the Papers that the King of France is very ill of the Small Pox, but it is reported as abſolute Fact to Day, that he is really dead, and that he died laſt Sunday. Provided it is true, it is thought we ſhall have a War with France very ſoon, which I wiſh may be the Caſe, as I think that will be the only Thing to ſettle the Difference with America."

A Committee of Thirteen Gentlemen are appointed in Charleſtown, South Carolina, "to receive Donations for the Relief of their diſtreſſed Brethren in this Town, now ſuffering for the common Cauſe of all America, under the moſt cruel, arbitrary and tyrannical Act of the Britiſh Parliament, for the ſhutting up their Port."

Extract of a Letter from a Gentleman in Charleſtown, South-Carolina, *dated June* 30, 1774.

"The Inhabitants of Boſton are greatly treated—The People here pity and feel greatly for them. Subſcriptions are open, and large Donations are made every Day for their Relief. A Sloop ſailed Yeſterday for Salem, with 205 Caſks of Rice, beſides a conſiderable Sum in Specie, and it is expected they will be able to collect the value of 1000 Barrels of Rice. A Gentleman of this Province, now in England, wrote to his Correſpondent here to give not leſs than 50l. but if he thought it proper, to give as far as 500l."

Friday laſt a number of public ſpirited Gentlemen at Marblehead, raiſed a Subſcription for 207 Quintals of Cod Fiſh, about 50 Jars of Oyl, and 40l. Lawful Money in Specie, for the Uſe of the induſtrious Poor of this Town, at this critical Juncture of our public Affairs; which we hear are to be forwarded To-Morrow, if the Weather permits.

We hear from Brooklyn, in Connecticut, that a certain Perſon, contrary to the general Sentiments of the Inhabitants, went and purchaſed ſome European Articles of Capt. Stephen Keys and Son (who had ſufficiently diſcovered their Intention of merchandizing as uſual) the People there, upon Return, took the Goods from him, and laid them on a Heap of Faggots (which were previouſly provided near the Meeting Houſe) to which they ſet Fire and conſumed them to Aſhes, to the ſatisfaction of thoſe preſent.

We hear that Col. Willard Knowles, of Eaſtham, has lately made ſuch Conceſſions & Acknowledgments to that Town, relative to his trading in and purchaſing of Tea imported in Capt. Loring's Brig, which was caſt aſhore at Cape Cod laſt Winter, as that at a Meeting held there the 5th Inſtant, they voted to be ſatisfactory, and that he again be re-inſtated in their Favor; alſo that the Cenſures upon his former Conduct be eraſed from the Records of the Town.

On the 30th of June the Rev. Mr. Hezekiah Taylor was ordained Paſtor of the Church at New Fane, in the Province of New York.

DIED.] Mr. *John De Coſta*, Maſon, aged 75, of late Years a noted Gardner in Milk-Street.——Mrs. *Mary Cunningham*, aged 85, Widow of the late Mr. *Andrew Cunningham*, Glazier.——Mr. *Joſeph Eaton*, Hatter.—Mrs. *Ridgaway*, Widow.—Mrs. *Skimmer*, Wife of Capt. *John Skimmer*.——At Watertown, Mr. *Samuel Hunt*, aged 85.

At Braintree, Mrs. *Weld*, Conſort of the Rev. Mr. *Ezra Weld*, of that Place.

At Marblehead, Mr. *Thomas Gerry*, Merchant.

At Leiceſter, Mr. *Henry Bright*, A. M. aged 30.

At York, at the Eaſtward, Mr. *Joſiah Stover*; his Death was occaſioned by eating a Meſs of Clams, of which he died about three Hours after; it operating upon him ſooner than if he had taken Ratſbane.

At Johnſon Hall, in the County of Albany, Sir *William Johnſon*, Baronet, Superintendent of the Indian Affairs.

On his Paſſage, in the Packet to New York, Mr. *Yeomans*, in the 20th Year of his Age, a young Gentleman of large Fortune in the Iſland of Antigua, as alſo in this Province. He died of a Conſumption.

RAN-away laſt Evening a Negro Girl of a middling Stature, a Caſt in her Eye; had on when ſhe went away a ſhort ſtrip'd Homeſpun Gown, an old Camblet Coat, and an Ozenbrigs Apron.—Whoever ſhall take up and return ſaid Negro, will be handſomely rewarded. Enquire at the Printers.

Province of MASSACHUSETTS-BAY, } By the GOVERNOR,

WHEREAS I have received an Order of his Majeſty in his Privy-Council, dated the 13th Day of April, 1774, by which his Majeſty hath been pleaſed to diſallow and reject an Act paſſed by the Great and General Court or Aſſembly of this Province in February 1773, intitled as follows, viz.

"*An Act to regulate the Sale of Goods at Public Vendue, and to limit the Number of Auctioneers.*" *See page 248*

Notice is hereby given that the ſaid Act is diſallowed, and all Perſons concerned may govern themſelves accordingly.

By his Excellency's Command. } T. GAGE.
JOHN COTTON, Dep. Secretary. }

Province-Houſe, July 14, 1774.

For LONDON,

Now loading at SALEM for LONDON,

The Ship *Boſton-Packet*,

Nathaniel Byfield Lyde Commander, having the greateſt Part of her Cargo engaged, will ſail with all Speed:—For Freight or Paſſage apply to the Maſter on Board, at the Long-Wharf in Salem, or to *William Dennie* at his Store in King-Street, Boſton.

N. B. Caſh given by ſaid *Dennie* for Pot and Pearl Aſh at ſaid Store in Boſton, or on Board ſaid Ship at Salem. *July* 16th.

TO BE SOLD, BY

Robert Jarvis,

At his Wine Cellar on Wheelwright's Wharf,

Choice old Sterling Madeira,
Ditto Red Port Wine,
Ditto White Port,
Ditto Liſbon,
} per the Quarter-Caſk.

Georges and Payal of a ſuperior Quality per the Quarter Caſk, alſo in Bottles, viz.

Madeira	at £. 15	Old Ten.	per Doz.
Red Port	at £. 9	ditto,	
White Port	at £. 9	ditto,	
Liſbon	at £. 9	ditto,	
Alſo very fine Claret	at £. 13	10	ditto,
Choice London Porter	at £. 4	10	ditto,
Dorcheſter Ale	at £. 5		ditto.

Benjamin Goldthwait

Would inform his Friends, kind Cuſtomers and Others, That he has juſt received by Capt. Loring from LONDON,

A ſmall Invoice of Goods, ſuitable to the Season, which he will ſell very low at his Shop juſt above Concert Hall, fine Silk Jeans, ditto figur'd, ſpotted and plain; alſo very fine Iriſh Tick for Waiſtcoats and Breeches, corded Dimothy, Silk Damaſcus, Silk Knit Patterns, corded Cottons, and a few Pieces of very neat figur'd Velvets, &c. &c.

The Taylor's Buſineſs in all its various Branches is carried on in the genteeleſt Manner, and all ſorts of Embroidery done at ſaid Shop.

A WATCH was lately found upon one of the Iſlands in this Harbour The Owner may be informed where he may have it again, by applying to the Printers hereof.

Taken up on the Long Wharf, about a Month ſince, a Caſk of MOLASSES.—The Owner may have it again by applying to the Wharfinger at his Store on ſaid Wharf.

Strayed from Boſton Common, on Tueſday the 5th Inſtant, a ſmall red COW, with white all round her belly and back, about three years old:—Whoever will take up ſaid Cow, and leave word with the Printers hereof, ſhall be well rewarded.

New Auction-Room, Cornhill.

On WEDNESDAY next,

At TEN o'Clock in the Morning,

Will be Sold by PUBLIC VENDUE,

At *GREENLEAF's* Auction Room,

A Variety of Engliſh GOODS, as uſual.

—And at twelve o'clock will be ſold a very good Saddle Horſe. *W. GREENLEAF*, Auctioneer.

The Sale of Goods will begin at TEN o'Clock.

At GOULD's Auction-Office,

in Back-Street,

On FRIDAY next, at Ten o'Clock,

Will be Sold by PUBLIC VENDUE,

A Variety of Engliſh and Hard Ware Goods: Alſo ſome Houſe Furniture.

Port of SALEM & MARBLEHEAD, July 14. 1774.

ENTERED-IN.

Fluent from North Carolina; Dove from South Carolina; Clark from New-Haven; Sinclair from Newfoundland; Colyer from Falmouth; Warren from Guadaloup; Woodbury, Balton, and Dennis from St. Lucia; Adams from Jamaica; Pearce from St. Kitts; Turner from Dominica; Emerſon from Fyal; Wormſted from Anguilla and St. Martins; Silvey from New London; and Clark from Rhode Iſland.

OUTWARD-BOUND.

Lyde to London; Jarvis to Briſtol; Elwell and Greer to Virginia; and Higgs to Providence.

CLEARED-OUT.

Gulliver and Thompſon for Weſt Indies; Fogarty and Laba for Halifax; Barnard for New York; Gardner and Smith for Marblehead; Davis for Nova Scotia; Kilner for Africa; Hurd for New London; and Lacy for Newfoundland.

V They were chose [illegible] the Committee of Correſpondence of Connecticut, by Act of the General Aſſembly, vid Edes & Gill's Paper July 18. & Poſt Act, pa. 499, Regul. Act, pa. 532, — for impartial adminiſtration of Juſtice, pa. 509.

[illegible] Index under Addreſſes. & Gaſpee Veſſel deſtroyed, pa. 415. &c.

Precepts or Warrants under their respective Hands and Seals, to the respective Constables of the several Towns, within the said respective Counties, requiring them, and every of them, to make such Return of Persons qualified to serve upon Juries as hereby respectively directed; and every Constable failing at any Time to make and deliver such Return to the Justices in Open Court as aforesaid, shall forfeit and incur the Penalty of Five Pounds sterling to His Majesty and his Successors, to be recovered by Bill, Plaint, or Information, to be prosecuted in any of the Courts aforesaid; & in Order that the Constables may be the better enabled to make complete Lists of all Persons qualified to serve on Juries, the Constables of the several Towns shall have free Liberty, at all seasonable Times, upon Request by them made to any Officer or Officers, who shall have in his or their Custody any Book or Account of Rates or Taxes on the Freeholders or Inhabitants within such respective Towns, to inspect the same, and take from thence the Names of such Persons qualified to serve on Juries, dwelling within the respective Towns for which such Lists are to be given in and returned pursuant to this Act, and shall, in the Month of *September* yearly, and every Year, upon Two or more *Sundays*, fix upon the Door of the Church, Chapel, and every other public Place of religious Worship, within their respective Precincts, a true and exact List of all such Persons intended to be returned to the said General Sessions of the Peace, as qualified to serve on Juries respectively, pursuant to the Directions of this Act; and leave, at the same Time, a Duplicate of such List, with the Town-Clerk of the said Place, to be perused by the Freeholders and Inhabitants thereof, to the End that Notice may be given of Persons duly qualified who are omitted, or of Persons inserted by Mistake, who ought to be omitted out of such Lists; and it shall and may be lawful to and for the Justices at the General Sessions of the Peace to which the said Lists shall be so returned, upon due Proof made before them, of any Person or Persons duly qualified to serve on Juries, being omitted in such Lists, or of any Person or Persons being inserted therein who ought to have been omitted, to order, his or their Name or Names to be inserted or struck out, as the Case may require: And in case any Constable shall wilfully omit, out of such List, any Person or Persons, whose Name or Names ought to be inserted, or shall wilfully insert any Person or Persons who ought to be omitted, every Constable so offending shall, for every Person so omitted or inserted in such List, contrary to the true Intent and Meaning of this Act, be fined by the said Justices in the said General Sessions of the Peace, in the Sum of Forty Shillings Sterling.

Provided always, and be it enacted by the Authority aforesaid, That in case Default shall at any Time hereafter be made, by any Constable or Constables, to return Lists of Persons qualified to serve on Juries within any of the said Towns, to the said Court of General Sessions of the Peace; then, and in such Case, it shall and may be lawful for the Sheriff of the County, in which such Default shall be made, to summon and return to the several Courts aforesaid, or any of them, such and so many Persons dwelling in such Towns or the Districts thereof, qualified to serve on Juries, as he shall think fit to serve on Juries, at such respective Courts; any Thing herein contained to the Contrary thereof in any-wise notwithstanding.

And be it further enacted by the Authority aforesaid, That every Summons of any Person, to serve upon any of the Juries at the said Courts, or any of them, shall be made by the Sheriff or any other Person, Ten Days at the least before the holding of every such Court; and in case any Jurors, so to be summoned, be absent from the usual Place of his Habitation, at the Time of such Summons, Notice of such Summons shall be given, by leaving a Note in Writing, under the Hand of such Sheriff or Person, containing the Contents thereof, at the Dwelling-House of such Juror, with some Person inhabiting in the same.

Provided always, and be it further enacted by the Authority aforesaid, That in case a sufficient Number of Persons qualified to serve on Juries, shall not appear at the said Courts, or any of them, to perform the Service of Grand or Petit Jurors, that then, and in such Case, it shall be lawful for the said Court to issue a Writ or Precept to the Sheriff, requiring him to summon a sufficient Number of other Persons qualified to serve on Juries, immediately to appear at such Court, to fill up and complete the Number of Jurors to serve at such Court; and such Persons are hereby required to appear and serve as Jurors at the said Courts accordingly.

And be it further enacted by the Authority aforesaid, That no Person who shall serve as a Juror, at any of the said Courts, shall be liable to serve again as a Juror at the same Court, or any other of the Courts aforesaid, for the Space of Three Years then next following, except upon Special Juries.

And, in order that Sheriffs may be informed of the Persons who have served as Jurors; *it is hereby further enacted* by the Authority aforesaid, That every Sheriff shall prepare and keep a Book, or Register, wherein the Names of all such Persons, who have served as Jurors, with their Additions and Places of Abode, and the Times when, and the Courts in which they served, shall be alphabetically entered and registered; which Books or Registers, shall, from Time to Time, be delivered over to the succeeding Sheriff of the said County, within Ten Days after he shall enter upon his Office; and every Juror who shall attend and serve at any of the Courts aforesaid, may, at the Expiration of the Time of holding every such Court, upon Application to the Sheriff or his Deputy, have a Certificate immediately *gratis*, from the Sheriff or his Deputy, testifying such his Attendance and Service; which said Certificate the said Sheriff, or his Deputy, is required to give to every such Juror.

And be it further enacted by the Authority aforesaid, That if, by reason of Challenges or otherwise, there shall not be a sufficient Number of Jurors, for the Trial of any Prosecution for any Misdemeanour, or any Action depending in any of the said Courts, then and in such Case, the Jury shall be filled up *de Talibus Circumstantibus*, to be returned by the Sheriff, unless he be a Party, or interested or related to any Party or Person interested in such Prosecution or Action; and in any of which Cases to be returned by the Coroner, unless he be a Party, or interested or related to any Party or Person interested in such Prosecution or Action; and in any of those Cases, to be returned by a proper and indifferent Person, to be appointed by the Court for that Purpose.

And be it further enacted by the Authority aforesaid, That in Case any Person summoned to serve upon the Grand or Petit Jury, at any of the Courts aforesaid, or upon the Jury in any Prosecution, Action, or Suit, depending in any of the said Courts, shall not appear and serve at the said Courts according to the said Summons, (not having any reasonable Excuse to be allowed by the Judges or Justices at such Court,) shall be fined by the Judges or Justices of such Court, in any Sum not exceeding the Sum of Ten Pounds, nor less than Twenty Shillings Sterling.

And be it further enacted by the Authority aforesaid, That every Sheriff, or other Officer, to whom the *Venire Facias*, or other Process or Warrant, for the Trial of Causes, or summoning of Juries, shall be directed, shall, upon his Return of every such Writ, or other Process or Warrant, (unless in Cases where a Special Jury shall be struck by Order or Rule of Court, pursuant to this Act,) annex a Pannel to the said Writ, or Process, or Warrant, containing the Christian and Surnames, Additions, and Places of Abode, of a competent Number of Jurors, named in such Lists, as are qualified to serve on such Juries respectively, the Names of the Persons to be inserted in the Pannel annexed to every such Writ or Process, or Warrant; which Number of Jurors shall not be less than Twenty-four, nor more than Forty-eight, without Direction of the Judges or Justices of such Court or Session, or One of them, who are hereby respectively impowered and required, if he or they see Cause, by Order, under his or their respective Hand or Hands, to direct a greater or lesser Number; and then such Number as shall be so directed, shall be the Number to be returned to serve on such Jury; provided that such Number to be so returned, shall not be less than Twenty-four.

And be it further enacted by the Authority aforesaid, That for the Trials of all Actions or Suits depending in any of the said Courts, the Name of each and every Person who shall be summoned and returned as aforesaid, with his Addition and the Place of his Abode, shall be written in several and distinct Pieces of Parchment, or Paper, being all as near as may be of equal Size and Bigness, and shall be delivered unto the Officer to be appointed by the Court for that Purpose, by the Sheriff, Under-Sherriff or some Agent of his; and shall, by Direction and Care of such Officer be Rolled up all as near as may be, in the same Manner, and put together in a Box or Glass, to be provided for that Purpose; and when any Cause shall be brought on to be tried, some indifferent Person, by Direction of the Court, may and shall, in open Court, draw out Twelve of the said Parchments or Papers, One after another; and if any of the Persons, whose Names shall be so drawn, shall not appear, or shall be challenged, and such Challenge allowed, then such Person shall proceed to draw other Parchments or Papers, from the said Box, till Twelve indifferent Persons shall be drawn; which 12 indifferent Persons being sworn, shall be the Jury to try the said Cause; and the Names of the Persons so drawn and sworn shall be kept apart by themselves in some other Box or Glass, to be kept for that Purpose, till such Jury shall have given in their Verdict, and the same is recorded, or until such Jury shall, by Consent of the Parties, or Leave of the Court, be discharged; and then the same Names shall be rolled up again, and returned to the former Box or Glass, there to be kept, with the other Names remaining at that Time undrawn, and so *toties quoties*, as long as any Cause remains then to be tried.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful, to and for the Superior Court of Assize, and Court of Common Pleas, upon Motion made on Behalf of His Majesty, His Heirs or Successors, or on the Motion of any Prosecutor or Defendant, in any Indictment or Information for any Misdemeanor, depending, or to be brought or prosecuted in the said Court, or on the Motion of any Plaintiff or Plaintiffs, Defendant or Defendants, in any Action, Cause, or Suit whatsoever, depending, or to be brought and carried on in the said Court, and the said Court is hereby authorised and required, upon Motion as aforesaid, in any of the Cases before-mentioned, to order and appoint a Jury to be struck for the Trial of any Issue joined in any of the said Cases, and triable by a Jury of Twelve Men, by such Officer of the said Court as the Court shall appoint; and for that Purpose, the Sheriff, or his Deputy, shall attend such Officer, with the Duplicate of the Lists of Persons qualified to serve on Juries; and such Officer shall thereupon take down, in Writing, from the said Duplicate, the Names of Forty-eight Persons qualified to serve on Juries, with their Additions and Places of Abode, a Copy whereof shall forthwith be delivered to the Prosecutors or Plaintiffs, their Attornies or Agents, and another Copy thereof to the Defendants, their Attornies or Agents, in such Prosecutions and Causes; and the said Officer of the Court aforesaid shall, at a Time to be fixed by him for that Purpose, strike out the Names of Twelve of the said Persons, at the Nomination of the Prosecutors or Plaintiffs, their Attornies or Agents, and also the Names of Twelve others of the said Persons, at the Nomination of the said Defendants in such Prosecutions and Suits, and the Twenty-four remaining Persons shall be struck and summoned, and returned to the said Court as Jurors, for the Trial of such Issues.

Provided always, That in Case the Prosecutors or Plaintiffs, or Defendants, their Attornies or Agents, shall neglect or refuse to attend the Officer at the Time fixed for striking the Names of Twenty-four Persons as aforesaid, or nominate the Persons to be struck out; then, and in such Case, the said Officer shall, and he is hereby required to strike out the Names of such Number of the said Persons, as such Prosecutors or Plaintiffs, or Defendants, might have nominated to be struck out.

And be it further enacted, That the Person or Party who shall apply for such Special Jury as aforesaid, shall not only bear and pay the Fees for striking such Jury, but shall also pay and discharge all the Expences occasioned by the Trial of the Cause by such Special Jury, and shall not have any further or other Allowance for the same, upon Taxation of Costs, than such Person or Party would be intitled unto, in case the Cause had been tried by a common Jury, unless the Judge, before whom the Cause is tried, shall, immediately after the Trial, certify, in open Court, under his Hand, upon the Back of the Record, that the same was a Cause proper to be tried by a Special Jury.

And be it further enacted by the Authority aforesaid, That, in all Actions brought in any of the said Courts, where it shall appear to the Court in which such Actions are depending, that it will be proper and necessary that the Jurors who are to try the Issues in any such Actions, should have the View of the Messuages, Lands, or Place in Question, in order to their better understanding the Evidence that will be given upon the Trial of such Issues; in every such Case the respective Courts in which such Actions shall be depending may order the Jury to the Place in Question, who then and there shall have the Matters in Question shewn them by Two Persons to be appointed by the Court; and the Special Cost of all such Views as allowed by the Court, shall, before the Trial, be paid by the Party who moved for the View (the adverse Party not consenting thereto;) and shall, at the Taxation of the Bill of Cost, have the same allowed him, upon his recovering Judgment in such Trial; and upon all Views with the Consent of Parties, ordered by the Court, the Costs thereof, as allowed by the Court, shall, before Trial, be equally paid by the said Parties; and in the Taxation of the Bill of Costs, the Party recovering Judgment shall have the Sum by him paid allowed to him; any Law, Usage, or Custom, to the Contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That if any Action shall be brought against any Sheriff, for what he shall do in Execution, or by virtue of this Act, he may plead the General Issue, and give the Special Matter in Evidence; and if a Verdict shall be found for him, he shall recover Treble Costs.

BOSTON, July 18, 1774.

To his Excellency THOMAS GAGE, Esq; Captain-General and Commander in Chief, in and over his Majesty's Province of the Massachusetts-Bay in New-England, Vice-Admiral of the same, and Lieutenant-General of his Majesty's Forces in North-America.

MAY it please your Excellency to accept the cordial Congratulations of the Justices of the Courts of General Sessions of the Peace and Inferiour Court of Common Pleas for the County of Plymouth, on your Appointment to the high Office of Full Magistrate of this Province—and upon your safe Arrival: And permit us to acknowledge our Gratitude to our most gracious Sovereign, that he has been pleased to place at the Head of our Affairs a Person in whom are center'd all the Qualifications necessary for the Discharge of that important Trust.

We are sensible that the unwearied Endeavours of your immediate Predecessor to support the Dignity of Government, and to maintain Peace and good Order, were not attended with the desired Success, and we fear that the various Arts and Stratagems of some designing Persons (who persevere in their Plan of subverting the Constitution) will in some degree perplex your Excellency's Administration.

But we console ourselves with the Consideration that your Excellency has not only Inclination but also Authority to check the Clamours of the Seditious, and to secure to us all our constitutional Privileges.

Of late we have seen with serious Concern, the Inhabitants of some of our Towns influenced by certain Persons calling themselves Committees of Correspondence, and, we are sorry to say, encouraged by some whose Business it is to preach the Gospel of CHRIST, and to inculcate Principles of Loyalty and Obedience to the Laws) entering into a League, which to us appears calculated to increase the Displeasure of our Sovereign, to exasperate our Parent Country, and to interrupt and destroy the Harmony of Society.——Against this League and Covenant and all such illegal Combinations, their Aiders and Abettors, we do bear our Testimony, and we assure your Excellency that we will endeavour by every Means in our Power to discountenance such Proceedings; and we will exert ourselves that Justice be duly administered, the Laws kept inviolate, and good Order maintained in this County.

Plymouth, July 6. 1774.

The GOVERNOR's *Answer.*

GENTLEMEN,

THIS very loyal and affectionate Address claims my best Thanks, and my warmest Acknowledgment.

I cannot but lament that so many People, by Nature well inclined, should be so far led astray by the Stratagems and Artifices of designing Persons, as to forget the Duty and Obedience they owe their King and Country, and become blind to their own Interest and Happiness; but when Men, from whose Mouths we ought to expect the Doctrines of sound Religion, Peace, Virtue & Morality, so shamefully pervert the Duties of their sacred Functions, as to employ themselves to enflame the weak, and captivate the unwary to the Commission of Actions unworthy of faithful Patriots, and honest Citizens, it is no wonder that ignorant People should be prevailed upon to do Things, which, if not deceived, they would detest and abhor.

That such an Usurpation, and almost total Subversion of all legal Government, should make Confusion in the Province, is not surprising; but you will be satisfied, that you have a gracious Monarch who sees your Distress, and who holds forth his Hand to protect and defend his loyal Subjects, and that I will take every Step in my Power, to secure to you the peaceable Enjoyment of all your constitutional Privileges, and to give that free Course to the Laws, on which every State depends for its Support, and without which no Government can subsist.

Boston, July 12. 1774.

TO BE SOLD.

A good Farm in *Watertown*, near the Great Bridge, on the Post-Road to *Boston*, containing 16 Acres of choice Land, with a good House and Barn, &c. Has been improved as a Tavern near 40 Years, the greatest Part of the Time by Mr. *Saltmarsh*, is well accommodated for a Trader, Tavern Keeper, or Gentleman. The Terms will be made easy. Enquire of *Thomas Wellington* at *Waltham*.

TO BE SOLD,

A few Pipes of Sterling Madeira Wine. Enquire of JOB PRINCE.

Printed by THOMAS and JOHN FLEET.

See pa. Index, under Towns. || See pa. 519.